

The Honorable Richard A. Jones

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ABDIQAFAR WAGAFE, *et al.*, on behalf of
himself and other similarly situated,

Plaintiffs,

v.

DONALD TRUMP, President of the United
States, *et al.*,

Defendants.

CASE NO. C17-00094RAJ

**JOINT STATUS REPORT
PURSUANT TO MARCH 26, 2020
ORDER (DKT. # 349)**

On March 26, 2020, the Court issued an order suspending the preexisting case schedule in this lawsuit for good cause until current limitations no longer impair the ability of counsel to meet case deadlines and efficiently perform their duties associated with this case. Dkt. # 349. This order was based upon a stipulation of the parties. Dkt. # 348. The stipulation detailed the disruption of counsels' efforts to complete pretrial proceedings and prepare for trial under the case schedule order resulting from mandated efforts to contain and suppress the spread of COVID-19 and its associated health risks.

In addition to suspending the case schedule, the Court ordered the parties to file a Joint Status Report by April 27, 2020, setting forth progress made since the date of the minute order.

1 Counsel have conferred by telephone on two occasions since the minute order was entered to
2 discuss areas in which progress can be made in the lawsuit, and they also have exchanged written
3 correspondence. The parties' progress has been primarily in the following three areas.

4 First, the parties continue to negotiate over the scope and terms of a deposition notice issued
5 by plaintiffs to defendants pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure. The
6 parties have exchanged proposals in an effort to eliminate or substantially narrow the areas of
7 dispute concerning the scope and terms of the Rule 30(b)(6) notice. Those efforts are continuing,
8 and the parties anticipate conducting a separate meet and confer concerning the parties' respective
9 positions on the Rule 30(b)(6) notice on Thursday, April 30, 2020. While the parties are hopeful that
10 all remaining issues can be resolved, and that no court intervention as to this issue will be required,
11 several substantive disagreements remain to be worked through. Should the parties reach final
12 agreement on the scope of the deposition, they will consider whether it is feasible for the deposition
13 to proceed remotely, or whether the deposition can only occur once the witness(es) and counsel are
14 able to convene in a single location. In the meantime, to the extent possible, defendants are
15 continuing to prepare prospective witnesses for this deposition.

16 The second area of progress relates to the preparation of responsive discovery in regards to
17 opinions expressed by plaintiffs' designated expert witnesses. Defendants represent that those
18 efforts are continuing to the extent possible under present conditions, and defendants anticipate
19 making appropriate disclosures within the next several weeks. The parties do not yet know when
20 they will be able to proceed with depositions of expert witnesses.

21 The third area of progress is in regard to certain "claw back" requests made by defendants of
22 information that they believe to be privileged and inadvertently disclosed to plaintiffs. Agreement
23 has been reached on several requests. Remaining claw back requests will be the subject of an
24 upcoming meet and confer to take place during the week of April 27, 2020.

25 Despite the progress detailed above, the parties report that there has been no meaningful
26 change in the conditions that compelled the parties to file their stipulation on March 24, 2020.

27 With the Court's approval, the parties propose to file another joint status report on or before
28 May 27, 2020, updating the Court on progress made since this report.

1 DATED: April 27, 2020.

2 For Defendants:

3 JOSEPH H. HUNT
4 Assistant Attorney General
5 Civil Division
6 U.S. Department of Justice

ANDREW C. BRINKMAN
Senior Counsel for National Security
National Security Unit
Office of Immigration Litigation

7 AUGUST FLENTJE
8 Special Counsel
9 Civil Division

VICTORIA M. BRAGA
Trial Attorney
Office of Immigration Litigation

10 ETHAN B. KANTER
11 Chief, National Security Unit
12 Office of Immigration Litigation
13 Civil Division

JESSE BUSEN
Counsel for National Security
Office of Immigration Litigation

14 BRIAN T. MORAN
15 United States Attorney

BRENDAN T. MOORE
Trial Attorney
Office of Immigration Litigation

16 s/ Brian C. Kipnis
17 BRIAN C. KIPNIS
18 Assistant United States Attorney
19 Western District of Washington

MICHELLE R. SLACK
Trial Attorney
Office of Immigration Litigation

20 LEON B. TARANTO
21 Trial Attorney
22 Torts Branch
23 Civil Division

KATHRYN DAVIS
Senior Counsel
Federal Programs Branch
Civil Division

LINDSAY M. MURPHY
Senior Counsel for National Security
Office of Immigration Litigation

Counsel for Defendants

For Plaintiffs:

s/ Jennifer Pasquarella
Jennifer Pasquarella (admitted pro hac vice)
ACLU Foundation of Southern California
1313 W. 8th Street
Los Angeles, CA 90017
Telephone: (213) 977-5236
jpasquarella@aclusocal.org

s/ Matt Adams
Matt Adams #28287
Northwest Immigrant Rights Project
615 Second Ave., Ste. 400
Seattle, WA 98122
Telephone: (206) 957-8611
matt@nwirp.org

s/ Stacy Tolchin
Stacy Tolchin (admitted pro hac vice)
Law Offices of Stacy Tolchin
634 S. Spring St. Suite 500A
Los Angeles, CA 90014
Telephone: (213) 622-7450
Stacy@tolchinimmigration.com

s/ Hugh Handeyside
s/ Lee Gelernt
s/ Hina Shamsi
Hugh Handeyside #39792
Lee Gelernt (admitted pro hac vice)
Hina Shamsi (admitted pro hac vice)
American Civil Liberties Union Foundation
125 Broad Street
New York, NY 10004
Telephone: (212) 549-2616
lgelernt@aclu.org
hhandeyside@aclu.org
hshamsi@aclu.org

s/ Harry H. Schneider, Jr.
s/ Nicholas P. Gellert
s/ David A. Perez
s/ Heath L. Hyatt
s/ Paige Whidbee
Harry H. Schneider, Jr. #9404
Nicholas P. Gellert #18041
David A. Perez #43959
Heath L. Hyatt #54141
Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
Telephone: 206.359.8000
HSchneider@perkinscoie.com
NGellert@perkinscoie.com
DPerez@perkinscoie.com
HHyatt@perkinscoie.com
PWhidbee@perkinscoie.com

s/ Kristin Macleod-Ball
Kristin Macleod-Ball (admitted pro hac vice)
American Immigration Council
1318 Beacon Street, Suite 18
Brookline, MA 03446
Telephone: (857) 305-3722
kmacleod-ball@immcouncil.org

s/ John Midgley
John Midgley #50517
ACLU of Washington Foundation
P.O. Box 2728
Seattle, WA 98111
Telephone: (206) 624-2184
jmidgley@aclu-wa.org

Counsel for Plaintiffs